

Notice of Allowability	Application No.	Applicant(s)	
	10/682,059	DEWAARD, DAVE	
	Examiner	Art Unit	
	Kimberly S. Smith	3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the affidavit filed 06/20/05.
2. ☒ The allowed claim(s) is/are 1-6,8-11,13-23,25-33 and 35-39.
3. ☒ The drawings filed on 10/08/03 and 01/07/05 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on 08/18/05, Mike Hughes requested an extension of time for 2 MONTH(S) and authorized the Director to charge Deposit Account No. 08-3260 the required fee of \$225 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claim 1- -A valve assembly in fluid communication between a milking claw and a milk supply, said valve assembly having a longitudinal axis and a transverse axis and said valve assembly comprising:

- a) a valve section having a relief slot, the valve section comprising a housing section having a first milk passage, a second milk passage and a cleaning fluid passage, the valve section further comprising a valve element comprising a first transverse side, a milk channel and a cleaning fluid channel, wherein the longitudinal distance between the relief slot and the milk channel is defined as d_{ii} and the longitudinal distance of the first milk conduit is defined as d_{cc} , where d_{ii} is a greater than d_{cc} ;
- b) an actuator portion arranged to reciprocate the valve element between a milking position and a cleaning position;
- c) said valve assembly being arranged so that:

Art Unit: 3644

- i) when the valve assembly is in the milking position, the milk channel of the valve element is in communication between the first milk passage and the second milk passage, the relief slot is positioned between a least-resistant fluid leakage area located between the first milk passage and the cleaning fluid passage and wherein the relief slot is not in direct communication with either the cleaning fluid passage or the milking passage and
- ii) when the valve assembly is in the cleaning position, the valve element is positioned in a manner such that the cleaning channel provides communication between the cleaning fluid passage, the first milking passage and the relief slot, such that when the valve element is in transition from the milking position to the cleaning position, there is no fluid path between the cleaning fluid passage and the second milk passage.- -

Claim 3 - -The valve assembly as recited in claim 2 where the mass of the actuator is adapted to maintain the first milk passage in a position vertically above the cleaning passage.- -

Claim 7: Cancel

Claim 12: Cancel

Claim 17, line 2: replace "reposition" with - -reciprocate- -

Claim 19 - -A valve assembly in fluid communication between a milking claw and a milk supply, said valve assembly having a longitudinal axis and said valve assembly comprising:

- a) a valve section having a relief slot, the valve section comprising a housing section having a first milk passage, a second milk passage and a cleaning fluid passage, the valve section further comprising a valve element comprising a first transverse side, a milk

Art Unit: 3644

channel and a cleaning fluid channel, wherein the longitudinal distance between the relief slot and the milk channel is defined as d_{ii} and the longitudinal distance of the first milk conduit is defined as d_{cc} , where d_{ii} is a greater than d_{cc} ;

b) an actuator portion arranged to position the valve element in a milking position, wherein the milk channel of the valve element is in communication between the first milk passage and the second milk passage and the relief slot is positioned between a least-resistant fluid leakage area located between the first milk passage and the cleaning fluid passage and wherein the relief slot is not in direct communication with either the cleaning fluid passage or the milk passage; and the actuator portion is further arranged to position the valve element to a cleaning position so that the cleaning channel provides communication between the cleaning fluid passage, the first milking passage and the relief slot, such that the relief slot is flushed with cleaning fluid and wherein when the valve element is in transition from the milking position to the cleaning position, there is no fluid path between the cleaning fluid passage and the second milk passage.- -

Claim 21 - -The valve assembly as recited in claim 20 where the mass of the actuator is adapted to maintain the first milk passage in a position above the cleaning passage.- -

Claim 24: cancel

Claim 25, line 1: replace "1" with - -19- -

Claim 30, line 2: replace "reposition" with - -reciprocate- -

Claim 32 - -A method for cleaning an udder of a cow attached to a milking claw by employing a valve assembly in fluid communication between the milking claw and a milk

Art Unit: 3644

supply, said valve assembly having a longitudinal axis and a transverse axis, said method comprising the steps of:

- a) providing a milk supply under negative gauge pressure and providing communication between the milk supply and a second milk passage of the valve assembly,
- b) providing communication between the milking claw attached to the udder of a cow and a first milk passage,
- c) positioning a valve element of the valve assembly such that a milk channel of the valve element allows the first milk passage to be in communication with the second milk passage and further providing a relief slot between the first milk passage and a cleaning fluid passage of the valve assembly wherein the relief slot is not in communication with the cleaning fluid passage, wherein the longitudinal distance between the relief slot and the milk channel is defined as d_{ii} and the longitudinal distance of the first milk conduit is defined as d_{cc} , where d_{ii} is a greater than d_{cc} ; and
- d) reciprocating the valve element such that a cleaning fluid channel of the valve element provides communication between the cleaning fluid passage and the first milk passage and such that the second milk passage is cutoff from communication with the first milk passage and the relief slot is in communication with the cleaning fluid, wherein the cleaning fluid is directed to the first milk passage to clean the udder of the cow and such that as the valve element is in transition from the milking position to the cleaning position, there is no fluid path between the cleaning fluid passage and the second milk passage.- -

Claim 34: cancel

Claim 38, line 2: replace "reposition" with - -reciprocate- -

Art Unit: 3644

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly S. Smith whose telephone number is 571-272-6909.


The examiner can normally be reached on Monday thru Friday 10:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kimberly S Smith
Examiner
Art Unit 3644

kss



TERI PHAM LUU
SUPERVISORY
PRIMARY EXAMINER